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7 BEFORE THE WASHINGTON STATE
8 OFFICE OF THE INSURANCE COMMISSIONER

9 In the Matter of the Application
10 regarding the Conversion and
11 Acquisition of Control of Premera Blue
12 Cross and its Affiliates.

No. G 02-45

INTERVENERS' FOURTH REQUEST
FOR PRODUCTION OF DOCUMENTS
AND PREMERA'S OBJECTIONS
AND RESPONSES THERETO

13 TO: Applicant, Premera and Premera Blue Cross and its Affiliates;

14 AND TO: Robert Mitchell and Thomas Kelly, their attorneys

15 PURSUANT TO RCW 48.31C.030(4); 48.31B.015(4)(b); 34,05.446; CR 26 and 34,
16 you are required to answer, in writing, the following requests for production of documents.
17 Unless otherwise agreed, documents produced are to be delivered to Richard Spoonemore,
18 Sirianni, Youtz, Meier and Spoonemore at 1100 Millennium Tower, 719 Second Avenue,
19 Seattle, WA 98104.

20 These requests for production are continuing in nature and at such time as further
21 information is discovered which makes any prior answer incomplete, inaccurate, or
22 misleading, the answer should be supplemented promptly at the time of discovery of
23 additional information. These requests incorporate by reference the definitions set forth in the
24 first request for production of documents.

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26 INTERVENERS' FOURTH REQUEST FOR
PRODUCTION OF DOCUMENTS AND
PREMERA'S OBJECTIONS AND
RESPONSES THERETO - 1

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

1 **OBJECTION**

2 Premera objects to these instructions to the extent that they improperly imply an
3 obligation to produce documents at the offices of Intervenor's counsel and the instruction to
4 supplement as beyond the obligations imposed by Civil Rule 26. These responses incorporate
5 by reference the general objections set forth in Premera's Responses to the Intervenor's First
6 Request for Production of Documents.
7

8 **REQUEST FOR PRODUCTION NO. 31:**

9 For each person Premera expects to call to testify as a consultant or as an expert
10 witness, for whom Premera will be submitting pre-filed testimony, or whose opinions
11 Premera otherwise intends to present or rely upon for the Conversion Hearing or the
12 Conversion Forums or for Premera's position regarding the Conversion Application
13 (hereinafter, an "Expert" or "Your Expert(s)"), please produce: (a) a current resume or
14 curriculum vitae; (b) a copy of all engagement letters or memoranda regarding the Expert's
15 engagement; (c) a statement of the compensation paid and to be paid to the expert or his
16 company; (d) all publications authored by the Expert from January 1, 1990, to the date of
17 response to this Request (hereinafter, "to present"); (e) a list of all matters in which the Expert
18 has, during the time period from January 1, 1999, to present, either prepared an expert report
19 or testified as an expert (i.e., testified by way of declaration, pre-filed testimony, deposition or
20 live testimony, at any hearing, trial or other proceeding); (f) a copy of all reports, pre-filed
21 testimony, and declarations of the Expert from January 1, 1999, to present; and (g) a copy of
22 the transcripts of all depositions and testimony of the Expert from January 1, 1999, to present.
23

24 **RESPONSE:**

25 Without suggesting that any prior objection is valid or proper, Premera incorporates by
26 reference every objection made by any Intervenor Group to the document request contained in

1 Premera's Amended First Set of Document Requests that corresponds with this request for
2 production. By way of further response, Premera notes that, since these discovery requests
3 were propounded, this request and related discovery matters have become a topic of
4 negotiation among Premera, the OIC Staff, and the Intervenors and the subject of a ruling by
5 the Special Master, and may be subject to further rulings by the Special Master. Premera will
6 produce responsive documents under the terms of a mutual agreement, if any, by the parties
7 regarding scope or other limitations and the Special Master's ruling(s).
8

9 **REQUEST FOR PRODUCTION NO. 32:**

10 Please produce: (a) the resumes of each person whom Premera expects to call as a
11 non-expert witness at the Conversion Hearing (hereinafter, a "Non-expert Witness"); (b) all
12 notes, drafts or other documents prepared by each such Non-expert Witness constituting,
13 regarding or related to Premera's position or his/her position regarding the Conversion
14 Application; and (c) each document that each such Non-expert Witness is expected to discuss
15 in his/her testimony at the Conversion Hearing.
16

17 **RESPONSE:**

18 Without suggesting that any prior objection is valid or proper, Premera incorporates by
19 reference every objection made by any Intervenor Group to the document request contained in
20 Premera's Amended First Set of Document Requests that corresponds with this request for
21 production. By way of further response, Premera notes that, since these discovery requests
22 were propounded, this request and related discovery matters have become a topic of
23 negotiation among Premera, the OIC Staff, and the Intervenors and the subject of a ruling by
24 the Special Master, and may be subject to further rulings by the Special Master. Premera will
25 produce responsive documents under the terms of a mutual agreement, if any, by the parties
26 regarding scope or other limitations and the Special Master's ruling(s).

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2 **REQUEST FOR PRODUCTION NO. 33:** Please produce: (a) all drafts of all
3 reports, surveys, memos or other papers prepared by, or under the supervision of, each of
4 Premera's Expert(s) for the Conversion Hearing or the Conversion Hearing Forums or for
5 Premera's position regarding the Conversion Application; (b) all correspondence, e-mails,
6 documents or other communication to and from Premera (including, without limitation, to its
7 agents or attorneys) and each such Expert regarding the Conversion Application or the
8 Conversion Hearing or the Conversion Forums or the drafting or preparation of any such
9 reports, surveys, memos or other papers; and (c) any other documents regarding or related to
10 the Conversion Application or the Conversion Hearing or the Conversion Forums.

11 **RESPONSE:**

12 Without suggesting that any prior objection is valid or proper, Premera incorporates by
13 reference every objection made by any Intervenor Group to the document request contained in
14 Premera's Amended First Set of Document Requests that corresponds with this request for
15 production. By way of further response, Premera notes that, since these discovery requests
16 were propounded, this request and related discovery matters have become a topic of
17 negotiation among Premera, the OIC Staff, and the Intervenors and the subject of a ruling by
18 the Special Master, and may be subject to further rulings by the Special Master. Premera will
19 produce responsive documents under the terms of a mutual agreement, if any, by the parties
20 regarding scope or other limitations and the Special Master's ruling(s).
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2 REQUESTS FOR PRODUCTION dated this ____ day of October, 2003.

3 By:

4 SIRIANNI YOUTZ MEIER & SPOONEMORE

5
6 By: _____/s/

7 Richard E. Spoonemore, WSBA #21833
8 Attorney for Interveners Washington
9 Citizen Action, American Lung
10 Association of Washington, Northwest
11 Federation of Community Organizations,
12 Northwest Health Law Advocates, Service
13 Employees International Union
14 Washington State Council, The Children's
15 Alliance, Washington Academy of Family
16 Physicians, Washington Association of
17 Churches and Washington State NOW
18 Washington Association of Community
19 and Migrant Health Centers, Washington
20 Protection and Advocacy System

21 On behalf of all Intervener Groups.
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INTERVENERS' FOURTH REQUEST FOR
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RESPONSES THERETO - 5

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FACSIMILE: (206) 623-7022

1 STATE OF WASHINGTON)

: ss.

2 County of _____)

3
4 I, _____ am counsel for _____ herein and state that
5 the foregoing answers and response are true and correct to the best of my knowledge.

6 _____
7 SUBSCRIBED AND SWORN TO before me this _____ day of
8 _____, 2003.

9
10 NOTARY PUBLIC in and for the State of
11 Washington, residing at _____
12 My commission expires: _____

13
14 **ATTORNEY CERTIFICATION**

15 The undersigned attorney for Premera, having read the foregoing Responses to
16 Requests for Production, certifies that they are in compliance with CR 26(g).

17 DATED this 14th day of November, 2003.

18 PRESTON GATES & ELLIS LLP

19
20 By Robert B. Mitchell
21 Robert B. Mitchell, WSBA # 10874
22 Attorneys for PREMERA and Premera
23 Blue Cross
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INTERVENERS' FOURTH REQUEST FOR
PRODUCTION OF DOCUMENTS AND
PREMERA'S OBJECTIONS AND
RESPONSES THERETO - 6

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